

CERTIFIED TRANSCRIPT

Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

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3 THOMAS OZZBORN,

4 Plaintiff,

5 Index No:

6 - against -

9:17-CV-1039

(MAD/ATB)

7 THE STATE OF NEW YORK; THE NEW YORK STATE
8 DEPARTMENT OF CORRECTIONS AND COMMUNITY
9 SUPERVISION; and MATTHEW CORNELL, Corrections
Officer, Individually and in his Official Capacity,

10 Defendants.

-----X

11 28 Liberty Street
12 New York, New York
13 August 8, 2019
14 12:56 p.m.

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17
18
19 EXAMINATION BEFORE TRIAL OF DONNESIA BROWN, a
20
21 Plaintiff, pursuant to Notice, taken at the above
22
23 place, date and time, before MARIA ACOCELLA, a
24
25 Notary Public within and for the State of New York.

1 A P P E A R A N C E S:

2
3
4 RUBENSTEIN & RYNECKI

5 Attorneys for Plaintiff

6 16 Court Street - Suite 1717

7 Brooklyn, New York 11241

8 BY: CHAD RUSSELL, ESQ.

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11
12 STATE OF NEW YORK

13 OFFICE OF THE ATTORNEY GENERAL

14 LETITIA JAMES

15 Attorneys for Defendants

16 300 South State Street - Suite 300

17 Syracuse, New York 13202

18 BY: AIMEE COWAN, ESQ.,

19 Assistant Attorney General
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22
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24
25

1 S T I P U L A T I O N S :

2
3 IT IS HEREBY STIPULATED AND AGREED by and
4
5 between the attorneys for the respective parties
6
7 hereto, that this examination may be sworn to
8
9 before any Notary Public.

10
11 IT IS FURTHER STIPULATED AND AGREED that the
12
13 filing and certification of the said examination
14
15 shall be waived.

16
17 IT IS FURTHER STIPULATED AND AGREED that all
18
19 objections to questions, except as to the form of
20
21 the question, shall be reserved for the time of
22
23 trial.

1 Donnesia Brown

2 D O N N E S I A B R O W N, the Plaintiff
3 herein, having been first duly sworn by a
4 Notary Public within and for the State of
5 New York, was examined and testified as
6 follows:

7 EXAMINATION BY

8 MS. COWAN:

9 Q. Good afternoon, Mr. Brown.

10 A. Yes, ma'am. Good afternoon.

11 Q. My name is Aimee Cowan. I am an
12 Assistant Attorney General.

13 I am going to ask you a few
14 questions about a lawsuit that you filed
15 against Officer Matthew Cornell, okay?

16 A. Yes, ma'am.

17 Q. A few ground rules before we get
18 started. First, can you make sure that all
19 your responses are verbal. No shaking your
20 head or saying uh-huh, all right, so we can
21 get everything down on the transcript, okay?

22 A. Yes, ma'am.

23 Q. Second, if you can just wait
24 until I finish asking my question before you
25 start answering, so we are not talking over

1 Donnesia Brown

2 each other, so the court reporter can get
3 everything down, okay?

4 A. Yes, ma'am.

5 Q. And then third, if there is a
6 question I ask that doesn't make sense to
7 you, you don't understand, just let me know.
8 I can rephrase it, okay?

9 A. Yes, ma'am.

10 Q. And just make sure you keep your
11 voice up. It is a little hard to hear
12 sometimes. She needs to record everything
13 you say.

14 A. I am soft spoken. I will speak
15 up, though.

16 Q. If you can't hear me, let me know
17 too, all right?

18 A. Yes, ma'am.

19 Q. Are you on any medications today
20 that would affect your ability to testify
21 truthfully?

22 A. No, ma'am.

23 Q. Did you take any illegal drugs
24 today?

25 A. No, ma'am.

1 Donnesia Brown

2 Q. Did you drink any alcohol today?

3 A. No, ma'am.

4 Q. All right. What is your full
5 name?

6 A. Donnesia Mark Brown.

7 Q. Any other names that you have
8 gone by?

9 A. No.

10 Q. What is your date of birth?

11 A. [REDACTED]

12 Q. Oh, January --

13 A. No, eight as in August.

14 [REDACTED]

15 Q. [REDACTED]

16 Where do you currently reside?

17 A. I am homeless.

18 Q. Where did you sleep last night, I
19 guess, is a better question, maybe?

20 A. At a friend's house.

21 Q. Do you have a permanent residence
22 at all?

23 A. No.

24 Q. Where do you receive mail?

25 A. My mother's house.

1 Donnesia Brown

2 Q. Where does she live?

3 A. At 1669 Randall Avenue, Bronx,
4 New York.

5 Q. How long have you been homeless
6 for?

7 A. Not long. I been in a shelter.
8 I go to shelters.

9 Q. How long have you been going to
10 shelters for?

11 A. For a while. I am trying to find
12 an apartment. It is kind of hard. Hard
13 difficulty. The system is crazy. I am
14 learning, though.

15 Q. When did you last have a
16 permanent address?

17 A. Years ago.

18 Q. What was the last permanent
19 address that you had?

20 A. I was living in the Bronx, in the
21 Bronx. This was like before I got arrested,
22 like years, like over ten years ago.

23 Q. Okay. Gotcha. All right.

24 Let's talk about any felony
25 convictions that you have. I think that

1 Donnesia Brown

2 there is a few that I have here on my list; I
3 just want to go through them.

4 Can you list for me your felony
5 convictions and the date of those
6 convictions?

7 A. No.

8 Q. No?

9 A. No, no. I know I got arrested
10 though. I know I got arrested. I can't
11 list. I don't remember that off the top of
12 my head.

13 Q. What about a robbery conviction
14 in 2011? Do you recall that?

15 A. I was arrested for that, yes. I
16 did time for it.

17 Q. So you were convicted of that
18 crime, correct?

19 A. Yes.

20 Q. How much time did you do?

21 A. Well, I got sentenced to five
22 years. I did over that, though.

23 Q. Why did you do over that?

24 A. Because an incident happened in
25 Auburn Correctional Facility.

1 Donnesia Brown

2 Q. Is that the incident that we are
3 going to be talking about later today --

4 A. Yes.

5 Q. -- that is the subject of this
6 lawsuit?

7 A. Yes.

8 Q. Were you convicted of criminal
9 possession of a controlled substance in 2007?

10 A. I don't know. I probably was,
11 yeah. Yeah, yeah, yeah.

12 Q. What about attempted robbery in
13 2007?

14 A. Both at the same time, probably.

15 Q. I have 2007 for both of those.

16 A. Oh, yeah. That was a drug case.

17 Q. Okay. Do you remember the
18 sentence for those crimes?

19 A. What you mean like a judge
20 sentencing me, and all of that, at the
21 courtroom, what went on?

22 Q. Did you serve prison time for
23 that?

24 A. Yes, yes.

25 Q. How much prison time did you do?

1 Donnesia Brown

2 A. I did five years. That was '06.
3 I went upstate '07. I did about five years,
4 and I got out and 30 days later, I did
5 another five years.

6 Q. Before that, what were your
7 felony convictions?

8 A. Gun, drugs. Gun.

9 Q. What were the dates of those
10 convictions?

11 A. I don't remember the dates. I
12 don't want to give, and then it isn't the
13 exact date.

14 Q. You have several felony
15 convictions, fair?

16 A. Yes, right.

17 Q. What about misdemeanor? Any
18 misdemeanor convictions?

19 A. I can't tell you dates. I can
20 tell you year I did have misdemeanor
21 convictions, but I don't know.

22 Q. What convictions?

23 A. For train -- getting on the
24 train. Misdemeanor, it was like getting on
25 the train. Fare evasion.

1 Donnesia Brown

2 Q. Any misdemeanor of anything to do
3 with honesty or truth telling, perjury,
4 fraud, bouncing checks, anything like that?

5 A. No. I ain't -- no. And I only
6 had one check from Osborn, that was \$200, and
7 I had to pay it.

8 And it was a good check. They
9 just said it was dated early. But the lady
10 in the check cashing place cashed it. It was
11 dated earlier, but then they said it bounced.
12 I didn't understand that, but that is it.

13 Q. Who was this check from?

14 A. Osborn.

15 Q. Osborn who?

16 A. It is like an organization where
17 you work you get a job. They help you get
18 your OSHA for construction and all of that.

19 Q. Okay. So it is a company?

20 A. Yes, like Fed CAP, Fortune
21 Society.

22 Q. Are you married?

23 A. No, ma'am.

24 Q. Have you ever been married?

25 A. Yes, I was married one time.

1 Donnesia Brown

2 Q. When were you married?

3 A. This is like in '93, '94.

4 Q. When did that marriage end?

5 A. She died. She had went into a
6 diabetic coma.

7 Q. Oh, I am sorry to hear that.
8 When was that?

9 A. That was probably around '97,
10 '98. Somewhere around there.

11 Q. Do you have any kids?

12 A. Yes. I have a son.

13 Q. How old is he?

14 A. Twenty-four.

15 Q. Does he live with you?

16 A. No.

17 Q. Are you in contact with him?

18 A. When I can be, yeah.

19 Q. What does he do for a living?

20 A. I don't know. I ain't seen him
21 yet. I am sure he works. He just had a
22 two-month old daughter, his mother told me.

23 Q. When was the last time --

24 A. I never spoke to him personally.
25 Lately, I haven't seen him.

1 Donnesia Brown

2 Q. When was the last time you spoke
3 to him?

4 A. Oh, last year. Last year.

5 Q. What is the highest level of
6 education that you have achieved?

7 A. Eleventh.

8 Q. Eleventh grade?

9 A. Yes.

10 Q. Where did you go to high school?

11 A. I went to Stevenson High School,
12 and I went to high school in Manhattan. I
13 don't think it is there no more. But
14 Stevenson High School, I went to.

15 Q. Where is Stevenson High School
16 located?

17 A. In the Bronx. Bronx, New York.

18 Q. Did you ever get your GED or high
19 school diploma?

20 A. No, not yet.

21 Q. Sorry, what was that?

22 A. I said no, not yet. I haven't
23 achieved my GED.

24 Q. Do you have any certifications or
25 licenses, any trade school diplomas or

1 Donnesia Brown

2 anything like that?

3 MR. RUSSELL: Don't get anything
4 out. Just tell her.

5 THE WITNESS: Okay. I am sorry.

6 A. I got like OSHA for construction.
7 Custodial maintenance. I do welding, and I
8 can drive, but I didn't get my CDL yet.

9 Q. So the welding, the OSHA
10 construction, maintenance, where did you
11 receive those licenses and certifications?

12 A. Through agencies. Osborn, Fed
13 CAP, Fortune Society.

14 Q. Are you currently employed?

15 A. No.

16 Q. When was the last time you were
17 employed?

18 A. Last year. I was working at
19 Queens Drywall Construction. I was working
20 with them, Queens Drywall Construction and
21 custodial maintenance for Osborn on the
22 Atlantic Terminal.

23 Q. Why are you no longer working?

24 A. Because I am not. I am trying to
25 do the process, to do it again right now. It

1 Donnesia Brown

2 is coming together. I didn't get it, but I
3 am working on it. I ain't gonna stop. I
4 can't give up.

5 Q. Did you quit that job, or were
6 you fired, or what happened?

7 A. I was moving, trying to find a
8 place to stay.

9 Q. How long did you work for that
10 company?

11 A. About nine months.

12 Q. Other than this lawsuit that we
13 are here to talk about, have you filed any
14 other lawsuits?

15 A. Yes.

16 Q. Tell me about that?

17 A. The officer arrested me and said
18 I had a warrant from 1985. He fingerprinted
19 me, took my picture, took me to the court.

20 And he gave the paper to the
21 court lady, the court officer. She took it
22 to the back and came back and said I did time
23 for it, and that I was released for it; so he
24 was unlawfully arresting me.

25 So he had to let me go. And I

1 Donnesia Brown

2 went down to Scott Ryencki and told him.

3 Q. When was that?

4 A. This was last year, I think last
5 year.

6 Q. So this was recent?

7 A. Yes.

8 Q. Was a lawsuit filed?

9 A. I am pretty sure it was. He said
10 he was putting it in.

11 Q. Do you know the status of that
12 lawsuit?

13 A. I don't even ask them questions.
14 Somebody just told me, say minute ago, I
15 should ask them questions. I just tell them,
16 and they do it.

17 Q. Okay. There is no resolution to
18 that case yet? It wasn't settled or gone to
19 a jury trial?

20 A. No, not that I know.

21 Q. Any other lawsuits other than
22 that one that we just talked about?

23 A. No, no.

24 Q. What about the State of New York?
25 Have you ever filed a claim against the State

1 Donnesia Brown

2 of New York?

3 A. Yeah, for being locked up in the
4 jail, yeah.

5 Q. What did that lawsuit have to do
6 with?

7 A. What do you mean, when I was
8 locked up? You stated that is the state,
9 right? When you locked, you filed a lawsuit
10 that is against the state, yes. Against the
11 state, I was locked up in Auburn.

12 Q. So my question is: Have you
13 filed any claims or lawsuits against the
14 State of New York at any time other than the
15 lawsuit that we are here to talk about?

16 A. Oh, no, no, no, no, no.

17 Q. Have you ever been sued, anyone
18 file a lawsuit against you before?

19 A. No.

20 Q. Now, you were incarcerated for a
21 period of time at Auburn Correctional
22 Facility, right?

23 A. Yes, ma'am.

24 Q. How long were you incarcerated at
25 Auburn, specifically?

1 Donnesia Brown

2 A. Around two years.

3 Q. Was that two years consecutive,
4 or was that broken up in time?

5 A. No consecutive.

6 Q. What period of time did that
7 cover?

8 A. That was like January of 2015 --
9 no. Yeah, January 2014 to January of 2016.

10 Q. Okay. Had you spent time in
11 Auburn at any other point during your
12 incarceration?

13 A. Have I spent time at Auburn
14 before?

15 Q. At any other point, right.

16 A. No. That was my first time in
17 Auburn.

18 Q. What was the crime that you were
19 incarcerated at Auburn for? Do you remember
20 what you had been convicted of at that point?

21 A. I think it was a robbery. That
22 was 2011, right?

23 Q. Yes.

24 A. Yeah, it was robbery, I think.

25 Q. You said your sentence was for

1 Donnesia Brown

2 how long, five years?

3 A. Yeah.

4 Q. And then would you be released to
5 parole after that?

6 A. Yes.

7 Q. While you were in Auburn, were
8 you affiliated with any gangs?

9 A. No.

10 Q. At any other facility, were you
11 affiliated with any other gangs?

12 A. No, I am not. I don't deal with
13 gangs.

14 Q. So on the outside, outside of
15 prison, were you ever affiliated with gangs?

16 A. I don't deal with gangs, period.
17 Outside, nowhere.

18 Q. Do you have any tattoos?

19 A. I got one on my shoulder.

20 Q. What is that?

21 A. MOB.

22 Q. MOB? What does that stand for?

23 A. You really want to know? Are you
24 serious?

25 Q. Sure.

1 Donnesia Brown

2 A. M, money over --

3 Q. Is it a bad name for a lady?

4 A. It don't got nothing to do with
5 no ladies.

6 Why you even saying that.

7 Q. I just want to know what it is,
8 bitches?

9 A. Yeah, stop saying that.

10 Q. I am just asking.

11 A. All right. And you answered it.

12 Q. All right. Okay.

13 I will take you to the date of
14 incident, January 21, 2016.

15 Prior to that date, did you ever
16 have any interactions or conversations with
17 Officer Cornell?

18 A. Yeah. One time I was going to
19 the yard, and he patted me down. That is
20 about it.

21 Q. So before January 2016, he had
22 patted you down before going to the yard?

23 A. Yeah. One day they patted me
24 down. They randomly pat people down,
25 prisoners going to the yard.

1 Donnesia Brown

2 Q. You were going to the yard for
3 recreation?

4 A. Yes.

5 Q. Did he find any contraband or
6 anything you weren't supposed to have?

7 A. No.

8 Q. Did he say anything to you during
9 that incident?

10 A. No. He just said he have to pat
11 me down.

12 Q. How much time before this January
13 incident did that happen, days, weeks,
14 months?

15 A. Months.

16 Q. Months?

17 A. Yeah, because I was there for two
18 years. So it was months that pass by.

19 Q. So were you familiar with Officer
20 Cornell before this incident January 2016?

21 A. Well, you know, this is how
22 people hear things. You know, people hear
23 things in the facility about different
24 officers. That is about it.

25 But I never dealt -- I never had

1 Donnesia Brown

2 no issues with him until that day.

3 Q. Never filed a grievance against
4 him before?

5 A. I never had no issue with him
6 until that day.

7 Q. Where were you housed at the
8 time? Were you in general population or
9 special housing?

10 A. I was in general population.

11 Q. Do you know what block or
12 gallery?

13 A. Left B block to D Block.

14 Q. Were you under keep lock at that
15 time?

16 A. Yes.

17 Q. Why?

18 A. Because out of all the times I
19 been locked up, I had a fight. I think the
20 staff set it up.

21 Q. You said the staff set it up?

22 A. They do stuff like that, but it
23 is all right.

24 Q. Mr. Brown, can you keep your
25 voice up a little.

1 Donnesia Brown

2 A. Yeah, I know, I am sorry. Yes,
3 that is what I said.

4 Q. Okay. You said there was a
5 fight.

6 When did the fight happen?

7 A. The fight happened like in the
8 wintertime, like around February. I mean
9 like November, December.

10 Q. What year?

11 A. 2016.

12 Q. So this incident happened
13 January 2016.

14 Did this fight happen before the
15 incident?

16 A. Yes.

17 Q. So maybe November, December of
18 2015?

19 A. Yeah. Yes. Yeah.

20 Q. All right. We will get to that.
21 I am just going to move onto
22 something else right now.

23 Up until this point, up until
24 January 2016, had you received any
25 misbehavior tickets, other than the one we

1 Donnesia Brown

2 just talked about for fighting?

3 MR. RUSSELL: Any prison, or just
4 Auburn?

5 MS. COWAN: Sorry, at Auburn.

6 A. Yeah, I caught tickets in Auburn.
7 Not for fighting though, no. I
8 caught tickets.

9 Q. Do you remember what the tickets
10 were for?

11 A. School. Stuff like that. Little
12 miscellaneous tickets.

13 Q. Ever receive a ticket for
14 possession of a weapon --

15 A. No.

16 Q. -- prior to this incident?

17 A. Never.

18 Q. At Auburn or any other facility?

19 A. Never.

20 Q. What about Elmira? Did you ever
21 receive a weapons charge?

22 A. Yeah. I received a weapons
23 charge.

24 But no weapon, though.

25 Q. Did you receive a ticket for

1 Donnesia Brown

2 possessing a weapon?

3 A. Yes. But I never had no weapon.

4 Q. Was that in Elmira, back in 2013?

5 A. Yup, that is a fact. I was there
6 for eight months.

7 I just got approved to be closer
8 to a medium, and miraculously, they found a
9 weapon. Why would I want that? I am to --
10 going to a medium. I am going to Fishkill.
11 I don't need that. And I went to the box.

12 But then, you know, set me up
13 with nothing. They just gave me box time.

14 Q. So did you receive a disciplinary
15 hearing as a result of that ticket?

16 A. Yup.

17 Q. Did you plead guilty, or they
18 found you guilty?

19 A. I they found me guilty.

20 I didn't plead guilty to that.

21 Q. Are you saying that someone
22 planted a weapon on you?

23 A. They found it in the track of the
24 door.

25 Yes, somebody planted that. They

1 Donnesia Brown

2 do that. I am not saying, you know, because
3 you don't know, per se; but I am there.
4 Yeah, they do that. Yeah, I was only there
5 for eight months.

6 Q. Do you have any idea of who
7 planted the weapon?

8 A. I was in school. I was in a
9 program.

10 So when I came back, they
11 searched.

12 And I just came from my
13 counselor, and they searched, and they found
14 in my box.

15 And that messed up my transfer to
16 the medium. I couldn't go.

17 Q. What was your discipline as a
18 result?

19 A. Box time. They gave me box time,
20 90 days, or something like that, three
21 months.

22 Q. Now it says in your complaint
23 that you believe you were singled out and
24 ordered out of your cell by Officer Cornell.
25 Is that an accurate statement?

1 Donnesia Brown

2 A. He came to my cell. My cell
3 popped opened, and he just walked in and put
4 my hands up, rushed me.

5 Q. And we are talking about
6 January 21, 2016, correct?

7 A. Uh-huh, yes.

8 Q. What were you doing in your cell
9 at that time?

10 A. Listening to my radio on the
11 wall. They have a wall where they can listen
12 to the radio, the news or music.

13 And I am listening to it. And he
14 walked in my cell with another officer and
15 just got aggressive.

16 Q. Had you just come from recreation
17 or chow, or had you just come from anywhere?

18 A. I was keep lock, remember?

19 Q. Okay.

20 A. I couldn't go nowhere.

21 Q. Why do you believe you were
22 singled out by Officer Cornell?

23 A. Because after the fact, listening
24 to what people are saying, they saying --
25 they was already telling me he set other

1 Donnesia Brown

2 people up.

3 Q. Do you have any opinion as to why
4 he would have set you up, specifically?

5 A. No.

6 Q. That is a no?

7 A. No. No, I don't know why.

8 Q. You said you didn't have any
9 issues with him prior to this incident?

10 A. No.

11 Q. Is that right?

12 A. Yes.

13 Q. It has to be verbal.

14 A. Yes, yes.

15 Q. Did you have issues with any
16 other officer at Auburn around this time?

17 A. Not that I know of. Besides the
18 package room, they used to always take my
19 stuff out the package. Every time, I missing
20 something.

21 Other than that, no.

22 Q. Any officers specifically that
23 you had issues in the package room?

24 A. Quite a few, because they always
25 was taking stuff out my package. My people

1 Donnesia Brown

2 are sending that stuff, and they taking it.

3 But other than that, it never got
4 to the point where I always would still get
5 packages.

6 Q. What kinds of things were they
7 taking from you?

8 A. My food. It could be chips.
9 Stuff be missing, you know, you can't really
10 get much, so my moms and sister send me food.

11 But they take it. They take
12 certain things, because she write a list,
13 confirmation list, and mail it with the
14 package. And they take that and, you know, I
15 always just was having issues. It is prison.

16 Q. Your attorney has -- or your
17 attorney should have a copy of a disciplinary
18 hearing transcript. I am just going to ask
19 you a couple of questions throughout about
20 some things that you said during that
21 disciplinary hearing.

22 A. All right.

23 Q. You can say, that is not what I
24 said, or that is not what I meant, or
25 whatever. I am just going to ask you some

1 Donnesia Brown

2 questions about that.

3 A. Ask me.

4 MR. RUSSELL: Is this the
5 two-page thing?

6 MS. COWAN: No, it is tier three
7 disciplinary transcript.

8 I wasn't going to actually show
9 it to him. It is not something signed
10 by him or anything. I just want to
11 clear some things up.

12 Q. So during your disciplinary
13 hearing you mentioned something about having
14 an issue with officer after you crossed the
15 line in the yard that you weren't supposed to
16 cross. Does that sounds familiar?

17 A. Oh, yeah. I remember that. I
18 thought I was going to get hanged that day.
19 Yeah, oh my God.

20 Q. When did that incident happen?

21 A. I don't remember the exact date.
22 You are asking me for dates. I don't
23 remember the exact dates, but do I remember.

24 MR. RUSSELL: If you don't
25 remember, you can say I don't remember.

1 Donnesia Brown

2 That is fine.

3 A. I don't remember the exact date,
4 but I remember the incident, because that
5 sergeant -- it was a sergeant, wasn't no
6 officer. That sergeant, he was like he took
7 my ID. He just was -- I don't know. It was
8 too much.

9 Q. Was it before or after this
10 incident with Officer Cornell?

11 A. That was before.

12 Q. Do you know who the sergeant was?

13 A. Nah. Never met him. I don't
14 want to meet him.

15 Q. Were you written up for this
16 incident?

17 A. No. He just took my ID.

18 Q. Did he say anything to you?

19 A. Yeah. He said why I crossed the
20 line this, that and a third.

21 Then somebody else came and
22 crossed the line.

23 So when I looked at him, and I
24 looked at the guy, he had no choice but to
25 come out. He took his ID too, you know, said

1 Donnesia Brown

2 what he said.

3 And then when the yard was about
4 to close, then he gave us our ID back. He
5 gave it to the officer to give us our ID
6 back.

7 But we couldn't get on the phone.
8 But he took it.

9 Q. Were you allowed to stay at
10 recreation at that time?

11 A. We were allowed to stay, but we
12 couldn't use the phone. You need your ID for
13 the phone.

14 Q. Was Officer Cornell involved in
15 that incidental all?

16 A. No, I didn't see him.

17 Q. All right. Let's go to
18 January 21, 2016, the date of this incident.

19 Other than Officer Cornell, any
20 other prison staff enter your cell that day?

21 A. Yes.

22 Q. Who?

23 A. Another officer. I don't know
24 his name, but a big officer. I don't know
25 his name.

1 Donnesia Brown

2 Q. You don't know who he was?

3 A. Nah. Because he was behind him.

4 When they both came in my cell,
5 he was behind him, so I never got to see that
6 little tag. I didn't get to see it.

7 Q. Did you know who Officer Cornell
8 was, when he came into your cell?

9 A. I know he was a CO.

10 Q. But you knew his name at the
11 time?

12 A. I didn't really know him, per se
13 him, no, until after that incident.

14 Now I am getting to know who this
15 officer is, and things that is going on.

16 Q. Do you remember what Officer
17 Cornell looks like?

18 A. Do I remember what he look like?

19 Q. Yes.

20 A. Yes, of course.

21 Q. What does he look like?

22 A. He is about six-one, blond hair,
23 that is it. White.

24 Q. Was he fat, thin, medium?

25 A. Medium.

1 Donnesia Brown

2 Q. Tell me about what he and the
3 other officer came to your cell that day.
4 Tell me what happened.

5 A. I was sitting in my cell. I got
6 the headphones in my ears. I am listening to
7 the radio, and the cell door crack open. The
8 cell door crack open. It only cracks a
9 little bit, but I don't see nobody. Like a
10 split second later, two officers come in my
11 cell.

12 I am sitting on my bed. I got my
13 slippers on, my sweatpants, and I am sitting
14 on the bed.

15 So he rushes me. He like, yo.
16 He grabbed my hands. That is the first
17 thing. As soon as came in the cell, he
18 grabbed my hands, boom, pulled them up.

19 The other officer is behind him.
20 He is like yo, I gotta search you. I gotta
21 search you. Boom, he is on top of me, takes
22 the headphones, boom, throws them. He is
23 grabbing -- you know, like pulling me out the
24 cell.

25 Where I get on the gallery, the

1 Donnesia Brown

2 other officer is right behind him, and he
3 pats me down. After he finishes patting me
4 down, he walks me down the gallery. He walks
5 me down the gallery to the catwalk, to the
6 back of the catwalk, and he handcuffed me.

7 I gotta strip. I striped down.
8 Then he let go of the handcuffs. Then I take
9 off the top, and then he handcuffed me back,
10 and then he was like, you ain't got no
11 weapon. I am like nay, I ain't got no
12 weapons.

13 He goes, you have one now. He
14 opened this cloth. I am like, yo, what you
15 doing? Yo, this is nothing personal. If it
16 was, we would be fighting.

17 And he handcuffed me and takes me
18 to the box, and that was it.

19 Q. The officer that was with
20 Cornell, was it a supervisor or was it
21 another officer?

22 A. It was another CO. He never said
23 nothing. He was just standing there, as if I
24 was to get more aggressive, he was going to
25 get aggressive too.

1 Donnesia Brown

2 Q. At any point, was your cell
3 searched?

4 A. No, not before that. Not during
5 that time, no, because I left. Once they
6 took me, I never went back to that cell.

7 Q. Did Officer Cornell say anything
8 to you about why he was allegedly planting
9 this weapon on you?

10 A. No, ma'am. No.

11 Q. So you said that you were pat
12 frisked inside your cell by Officer Cornell?

13 A. No. I said I was pat frisked
14 outside the cell. He snatched me and brought
15 me outside the cell, and they handcuffed me
16 and walked me down the gallery.

17 Q. And this other officer was there
18 for the pat frisk?

19 A. Yeah.

20 Q. Any other witnesses to this pat
21 frisk, any inmates or other officers, other
22 staff members?

23 A. Not unless somebody had their
24 mirror out, looking down the gallery. I
25 don't know. It was just us three.

1 Donnesia Brown

2 Q. Did you speak to anybody after
3 this incident, and ask them if they had seen
4 what happened?

5 A. I never went back to that
6 facility. I can't go back to that facility,
7 so I don't know.

8 Q. You said you can't go back?

9 A. No.

10 Q. Why not?

11 A. Because this incident happened, I
12 ain't trying to go to jail, period, anyway.

13 But this incident happened, you
14 know, in that facility, so they didn't let me
15 go -- you know, I went to -- I went to the
16 box, went to Southport.

17 When I came out, I went to
18 Comstock or Clinton, or anywhere, but not
19 back to Auburn. I go through transit, but
20 that is just because I am leaving.

21 Q. While Officer Cornell is in your
22 cell, does he say anything to you, do you say
23 anything to him?

24 A. I am not saying nothing. Put
25 your hands up. I gotta search you. Yo, come

1 Donnesia Brown

2 here. I got a call. I gotta search you. He
3 is talking, but I am not saying nothing.

4 Q. Did he tell you that he had
5 information that you did have a weapon?

6 A. That is what he said.

7 Q. Did you respond to that?

8 A. No.

9 Q. You didn't say anything?

10 A. No.

11 Q. Why not?

12 A. For what?

13 Q. Well, you could have explained to
14 him no, I do not have a weapon?

15 A. It ain't gonna matter with him.
16 He is the CO. I would have to explain that
17 to a sergeant or somebody.

18 When officers come to your cell,
19 nobody explain nothing. They let them do
20 what they doing. They leaving and leaving
21 you, or you leaving, and you going with them.
22 That is it. Ain't no explaining.

23 Q. Did the other officer say
24 anything to you at any point?

25 A. No, he never said nothing. He

1 Donnesia Brown

2 never said nothing.

3 Q. What about during the pat frisk?
4 Did Officer Cornell say anything to you then?

5 A. Yeah.

6 Q. What he did say?

7 A. He said, this is not personal.
8 If it was, we would be fighting.

9 And he showed me the weapon, the
10 sharpened toothbrush. I am handcuffed. He
11 showed it to me, and that was it.

12 He -- when he opened the door,
13 the sergeant is standing there. I am
14 handcuffed, both my hands. I am dressed.
15 And take my straight to the box.

16 Q. I am talking about the pat frisk,
17 though.

18 So you are outside of your cell.
19 Did Officer Cornell say anything to you
20 during the pat frisk?

21 A. No. He just patted me down.

22 Q. Did you say anything to him?

23 A. No.

24 Q. So then, he takes you down to the
25 catwalk?

1 Donnesia Brown

2 A. Yes, down the catwalk. We walk
3 down the catwalk, around the back, to the
4 back of the cells.

5 Q. And then there is a specific area
6 that he took you to for a strip frisk?

7 A. Yes, ma'am.

8 Q. What area is that?

9 A. It is in the back of the catwalk.
10 It is like behind the cells. A little room.
11 He opened it, and he handcuffed me to one of
12 the pipes and strip searched me.

13 Q. Was it in a room next to the
14 catwalk, or was it actually right behind the
15 cells?

16 A. Right behind. In the middle.
17 You got cells on this and cells on this side.
18 In the middle, you can walk behind people's
19 cells and cut the water off, cut your lights
20 off, you know. If people trying to flood the
21 cell, they can do all that. So that is where
22 he took me, in there.

23 Q. With the other officer?

24 A. With the other officer. Just
25 them two.

1 Donnesia Brown

2 Q. And that is where he said, it is
3 nothing personal?

4 A. Yes.

5 Q. Did you say anything to him while
6 he is talking to you about these things?

7 A. No.

8 Q. Did you ever say anything to him?

9 A. Nothing to say. What am I going
10 to say?

11 Q. So you didn't say anything to him
12 during the pat frisk or the strip frisk?

13 A. No.

14 Q. You said it was a sharpened
15 toothbrush that he took out?

16 A. Yeah, he showed me. He had it in
17 a cloth.

18 Q. Where did he take the cloth from?

19 A. I don't know. I don't know if it
20 was in there when we went in there. I don't
21 know where he got it from.

22 Q. You didn't see?

23 A. No. All he did was he had it
24 like a ledge. He had it on the ledge. He
25 opened it and said, you got a weapon.

1 Donnesia Brown

2 Q. Did you say anything in response
3 to that?

4 A. No. I just was like -- and they
5 took me to the box.

6 Q. Okay. Now you got a misbehavior
7 ticket as a result of that incident, correct?

8 A. Yes, ma'am.

9 Q. You had a disciplinary hearing,
10 right?

11 A. Yes, ma'am.

12 Q. Did you plead guilty to the
13 charges, or did they find you guilty?

14 A. He found me guilty.

15 Q. At some point, do you recall
16 asking the hearing officer if you can talk to
17 him off the record?

18 A. Not that I recall.

19 Q. Do you call any witnesses for
20 your hearing?

21 A. No, ma'am.

22 Q. Why not?

23 A. I didn't have no one.

24 Who am I going to have? Nobody
25 really seen it. It is in my cell.

1 Donnesia Brown

2 Q. Go ahead.

3 A. No, no witnesses. I didn't have
4 nobody.

5 Q. You mentioned something during
6 your disciplinary hearing that you were
7 having an issue with the Muslims. Do you
8 remember mentioning that?

9 A. I never had a fight in jail. I
10 never had a fight. I don't carry weapons. I
11 don't deal with none of that. I don't deal
12 with no gangs. I don't gamble. I don't do
13 drugs. I don't do none of that.

14 In jail, I do my time. If it is
15 a program that I don't like, and I can't
16 really get out of it, I might refuse it.
17 They can give you 30 days in your cell, or
18 whatever the case may be.

19 But I wouldn't go, so it don't
20 blow up until something.

21 Other than that, no. The Muslim
22 brother I had a fight with, because I am
23 Muslim -- I was supposed to get married to
24 this lady, Syracuse. Somebody introduced me.
25 The guy, he -- I don't know. I am saying I

1 Donnesia Brown

2 think it was the officer, because I never had
3 a fight.

4 And this guy, he come, and he is
5 just like mad aggressive.

6 Officer Cornell always used to be
7 in B Block. When B Block and D Block go to
8 the yard, he is in the yard.

9 And now we get into a conflict.
10 So I am thinking it came -- I could be wrong,
11 but I don't know. But I got this weapon
12 charge, and I got into a fight.

13 And I was supposed to get
14 married, and now all that just got gone.

15 Q. So tell me about this fight. Who
16 did you into the fight with?

17 A. Some guy. We just fought. Five
18 minutes, not even five minutes.

19 Q. Do you know his name?

20 A. He had a Muslim name, Hassan, or
21 something like that. Hassan, something like
22 that. I don't know.

23 I never had a fight, so the
24 incident was kind of strange to me, all this
25 happening.

1 Donnesia Brown

2 Q. Before that fight, had you ever
3 meet this guy before?

4 A. I seen him, you know, in jail. I
5 seen him, but I didn't deal with him. I
6 don't deal with every Muslim in the jail.

7 Q. Have any verbal interactions with
8 him or anything before this incident?

9 A. No.

10 Q. No?

11 A. No.

12 Q. Okay. Did you say that you were
13 Muslim yourself?

14 A. Yes.

15 Q. Do you know why you said during
16 your hearing that you were having an issue
17 with the Muslims?

18 A. I was supposed to get married.
19 And then I got into that issue with him, you
20 know. I wouldn't say the Muslims. If I did
21 say that, I don't recall. I got into an
22 issue with the Muslim. I don't know if they
23 used it as Muslim, like the whole community.

24 Q. When did that fight happen, do
25 you remember?

1 Donnesia Brown

2 A. Nah. I don't recall the date.

3 The exact date, I don't recall, nah.

4 Q. It was before this incident with
5 Officer Cornell?

6 A. Yes.

7 Q. Was it days, weeks, months?

8 A. Dang, it was like days. Like a
9 week. Like a week before this incident
10 happened.

11 Q. Did you have any issues with the
12 Muslim community as a whole?

13 A. No.

14 Q. Did you fear for your safety
15 because of the Muslim community?

16 A. No.

17 Q. Ever request protective custody
18 while you were at Auburn?

19 A. No.

20 Q. You mentioned during your hearing
21 that there was a Muslim that was trying to
22 cut you?

23 A. The same person I had the fight
24 with.

25 Q. Okay. So that was the fight

1 Donnesia Brown

2 situation that you were referring to?

3 A. Yeah. That is the only fight I
4 had, ever.

5 Q. Where did that fight happen?

6 A. In the yard.

7 Q. What started the fight?

8 A. I don't know. He just walked up
9 and started swinging on me. He tried to cut
10 me, and we fighting. And that was it.

11 Q. So he had a weapon?

12 A. Yeah, but they didn't find it.

13 Q. Did you see the weapon?

14 A. No. I felt the blood, though.

15 Q. Oh, okay. So you did get cut?

16 A. Yeah, I was cut.

17 Q. Was it a deep cut or superficial
18 cut?

19 A. Right over here (indicating).

20 Q. Okay. But you never saw the
21 actual weapon that he had?

22 A. No.

23 Q. Did you get a misbehavior ticket
24 as a result of that fight?

25 A. Yes.

1 Donnesia Brown

2 Q. Did you have a disciplinary
3 hearing after that?

4 A. Yes.

5 Q. Did you plead guilty to the
6 charges, or did they find you guilty?

7 A. I didn't plead guilty.

8 But because I was fighting, I
9 pled guilty because we were fighting. So I
10 have to plead guilty to that, because we
11 fighting.

12 But other than that, no.

13 Q. You were fighting with him
14 because you were defending yourself?

15 A. Of course, yeah. Because I am
16 defending myself, I can't tell the sergeant,
17 lieutenant, yo, look, I didn't do nothing.

18 He attacked me. We both
19 fighting.

20 Q. Okay. And at any point
21 afterwards, did you come to find out why that
22 person tried to fight you?

23 A. Never.

24 Q. No?

25 A. That is why I always said, yo, it

1 Donnesia Brown

2 had come to through that.

3 Because why he fighting me? I
4 never had no issue with this person. I don't
5 owe him nothing. I don't owe nobody nothing.
6 Ain't nobody looking for me in prison, jail,
7 street, nowhere. I don't owe nobody nothing.

8 So why that happened? It ain't
9 like I did something. I don't even know him.
10 I am not in his circle. I am not around him.
11 I don't deal like that.

12 Q. During your disciplinary hearing
13 for the weapons charge you mentioned
14 something about the Muslims sending you food
15 as a some sort of an apology. Do you
16 remember saying that?

17 A. No, I don't recall saying that.

18 Muslims can't send me food. I
19 was keep locked. I couldn't get nothing to
20 eat unless they bring me the trays from chow.
21 So they gave me food.

22 Q. You do remember the Muslims
23 sending you food at some point?

24 A. Yes.

25 Q. Was it some sort of apology for

1 Donnesia Brown

2 the fight?

3 A. Probably.

4 But I was leaving. I didn't stay
5 there long. I never really got the answer to
6 none of these questions that you really
7 asking me. I never even found out.

8 Q. What would make you think that it
9 was an apology, that they were sending you
10 food?

11 A. Probably because of the incident.
12 I was supposed to get married. I was
13 supposed to get married, and then I got into
14 the fight. You ain't getting married.
15 Because now you are keep locked, so you can't
16 get married.

17 Q. Any other inmates involved in
18 this fight at all?

19 A. (Witness indicating).

20 Q. Is that no?

21 A. No. I am sorry.

22 Q. Have any other issues with any
23 other inmates during your time Auburn?

24 A. No, ma'am.

25 Q. Any issues with any other

1 Donnesia Brown

2 religions or any gangs?

3 A. No, ma'am. I am not in no gang.
4 I don't deal with gangs. I don't have no
5 issues.

6 I never had a fight. I never had
7 a fight. I have been prison four times,
8 Rikers Island; I never had a fight. That is
9 the only one ticket I had with a fight.

10 Q. Up until this fight, did you have
11 any reason to fear for safety while at
12 Auburn?

13 A. No. No. Even when I had the
14 fight, I still didn't fear nothing until
15 after the officers came into the cell.

16 Now it became a problem. That is
17 it. Other than that, no.

18 Q. So even after the fight, you
19 still weren't afraid of people coming and
20 attacking you, even though you just had a
21 fight with someone you didn't know?

22 A. No, I am in jail. Anything is
23 liable to happen.

24 Q. It didn't concern you that that
25 person --

1 Donnesia Brown

2 A. No. I am being alert. That is
3 it. I am just now being more alert. More
4 aware of who I am around. Moving by myself.

5 But I was keep lock, so I really
6 wasn't going nowhere, unless somebody came
7 past my cell. Keep lock, so I wasn't moving
8 around in jail, period. Unless they call me
9 for the clinic or something and escorted with
10 an officer, but they didn't call me for that.

11 From that cell, I went to another
12 cell in the box. And then from there, which
13 is Auburn, from there, I went to Southport,
14 which is central box.

15 Q. If you are keep lock, you still
16 go to recreation?

17 A. You can.

18 I never went, though.

19 Q. But you are still allowed to go
20 to recreation with other inmates?

21 A. Other inmates that keep lock?

22 Q. Right.

23 A. Right.

24 Q. Okay. So after this fight, you
25 were, you said, more alert, because of this

1 Donnesia Brown

2 incident, correct?

3 A. Yes. But I couldn't leave my
4 cell.

5 Q. Right.

6 Well, you could for recreation,
7 right?

8 A. Right. Yeah, or shower.

9 Q. Or showers.

10 And you showered, what, three
11 times a week?

12 A. Yes.

13 Q. Do you leave for anything else,
14 any programs, or anything like that?

15 A. There is no programs.

16 Once you get keep lock, that is
17 it. It is over.

18 Q. As a result of your disciplinary
19 hearing as a result of this incident with
20 Officer Cornell, what punishment were you
21 given?

22 A. They gave me six months in the
23 box.

24 Q. How much of that time did you
25 serve?

1 Donnesia Brown

2 A. Six months in the box.

3 Q. Did you appeal that decision?

4 A. No.

5 Q. Why not?

6 A. I don't know.

7 Q. Where did you serve those six
8 months? Was it in Auburn, or multiple
9 facilities?

10 A. From Auburn to Southport.

11 Q. And then you spent the rest of
12 your time in Southport Special Housing?

13 A. Yes.

14 Q. Now, while at Auburn
15 Correctional, you were familiar with the
16 grievance process, right?

17 A. Uh-huh. Yes, I know about
18 grievance. Yes, I know about grievance.

19 Q. Okay. Prior to this incident,
20 had you filed grievances there before at
21 Auburn?

22 A. No.

23 Q. No grievances filed?

24 A. No.

25 Q. Do you remember filing a

1 Donnesia Brown

2 grievance about a missing -- what is that?

3 A. I don't recall. Go ahead. What
4 did you say? Do I remember filing a
5 grievance for what?

6 Q. Any grievances at all at Auburn,
7 prior to this incident?

8 A. If I did, it was for the package
9 room.

10 Q. Okay. Are you familiar with the
11 grievance process at Auburn?

12 A. I know the grievance process. It
13 depends what you are doing it for.

14 Q. Okay. Well, you know how to file
15 a grievance, right?

16 A. Yes.

17 Q. And do you know what to do if you
18 receive a response that you are not satisfied
19 with?

20 A. What am I supposed to do if I
21 receive a response that I am not --

22 Q. The grievance is denied, do you
23 know what your options are?

24 A. I am pretty sure you can appeal
25 it.

1 Donnesia Brown

2 Q. Have you ever appealed a decision
3 on a grievance before?

4 A. No, no.

5 Q. At Auburn or any facility?

6 A. No.

7 Q. Never?

8 A. No, not that I recall. No.

9 Q. Are you aware that you can appeal
10 that decision to the Central Office Review
11 Committee in Albany?

12 A. No.

13 Q. You are not aware of that?

14 A. I don't know. I don't know.

15 Q. Okay. So you never appealed a
16 grievance decision before?

17 A. Not that I recall, no. That
18 don't work. I am sorry, but that don't work.
19 It depends on what it is, Miss. It has to be
20 real serious for me to be writing, you know,
21 because I am just there to do my time. I am
22 not there to get in the way of nobody.

23 Even out here, I am not in the
24 way of getting into nobody's way.

25 The grievance process in prison,

1 Donnesia Brown

2 if I am grieving it for the package room, I
3 have proof. I have paperwork.

4 If I am grieving it for a fight,
5 if I am grieving it for a fight like this,
6 what I am here for,, that is not going to
7 work.

8 I might not ever even -- that
9 ain't going in. They throwing that in the
10 garbage.

11 But that is my opinion. So I
12 don't deal with it.

13 Q. What about this incident with
14 Officer Cornell January 2016? Did you file a
15 grievance after that incident?

16 A. No. I never filed a grievance
17 after that, no.

18 Q. Did you write any letters after
19 this incident?

20 A. I wrote a letter to Inspector
21 General in Albany.

22 Q. Okay. So a letter to Office of
23 Special Investigations?

24 A. Right. And explained my
25 situation.

1 Donnesia Brown

2 But other people that was in my
3 situation was writing too, so they put that
4 all together and said, hold up. Probably
5 let's investigate that. And that is what
6 they did, because they came to see me.

7 Q. How long were you in you Auburn
8 Special Housing after this incidents?

9 A. I think I was in Auburn box for
10 about a month, month and a half, more or
11 less, like that.

12 And then they sent me to
13 Southport.

14 Q. During that time, did you write
15 any letters to anyone?

16 A. No, not that I recall.
17 My counselor came to see me. I
18 signed the last quarterly, and that was that.

19 Q. The last quarterly what?

20 A. Of seeing her, that I seen her.
21 That is it. That is it.

22 Q. During that month or so period
23 where you are in Auburn Special Housing Unit
24 after this incident, did you write any
25 grievances at all?

1 Donnesia Brown

2 A. No, ma'am.

3 Q. Are you familiar with an inmate
4 named Ozzborn Thomas?

5 A. Ozzborn Thomas?

6 Q. Yes. Or Thomas Ozzborn?

7 A. I am not familiar with somebody
8 by that name, no. Not by that name. If they
9 got another name, probably might know; but
10 no, I don't recall nobody.

11 Q. Did you speak with any other
12 inmates about this incident with Officer
13 Cornell?

14 A. Yeah, because I was trying to
15 figure out what was going on with me.

16 Q. Do you know who those inmates
17 are?

18 A. No. It is just random inmates.
19 You go from when you talking.

20 Q. Do you know their nicknames,
21 street names?

22 A. Nah, because they sent me to the
23 county jail.

24 Q. When did they send you to the
25 county jail?

1 Donnesia Brown

2 A. After I got out of Auburn -- I
3 mean, after I got out of Southport, I went to
4 Comstock. And then Comstock sent me to the
5 county jail in --

6 I am sitting in the county jail,
7 asking these questions. And they telling me,
8 yo, two other people came in here from that
9 same officer. Stuff like that, I am finding
10 out. And I am learning, I guess, what is
11 going on with this officer, and what he is
12 about.

13 Q. But you don't remember any of
14 their names?

15 A. No. These are people I just met.
16 Like I just met this lady I don't know her
17 name. She is a nice lady.

18 Q. Did you get any statements or
19 affidavits or anything from any of these
20 other inmates that you spoke to about Officer
21 Cornell?

22 A. No, ma'am.

23 Q. Did you keep any notes or any
24 journals about this incident?

25 A. No, ma'am.

1 Donnesia Brown

2 Q. Do you write to any family
3 members or anything about this incident?

4 A. No. I never wrote to no family
5 members.

6 I called them, though, on the
7 phone.

8 Q. Did you speak to them about the
9 incident?

10 A. Yes.

11 Q. Who did you speak to?

12 A. Spoke to my mother and sister.

13 Q. Did they send any letters on your
14 behalf, or anything, like to any prison
15 officials, or Albany or anyone?

16 A. No.

17 Q. You said you filed a complaint
18 with the Office of Special Investigations,
19 correct?

20 A. Yes.

21 Q. Did you speak with anybody from
22 OSI?

23 A. Yes, I spoke to a lady. I don't
24 know her name. I don't remember the exact
25 date. But I spoke to her at Five Points. I

1 Donnesia Brown

2 was in Five Points, and she came and she is
3 doing what you are doing right now.

4 Q. Asking you questions?

5 A. Same way you are doing.

6 She is asking me how he took me
7 in the back of the gallery. She is asking me
8 everything again.

9 Q. Did you give her a statement that
10 you signed?

11 A. I am sure I did, yeah. Because
12 she came to see me for about two or three
13 days, she was coming, you know, like.

14 Q. So she saw you multiple
15 occasions?

16 A. Yeah, two times. Or two or three
17 times, around that. Because she came to see
18 me the first time, and then when she came
19 back, I think that was it. That was it.

20 And she came one more time. I
21 think it was two times, and then that was it,
22 two or three. But she was asking me
23 questions.

24 MS. COWAN: Can you show him --
25 actually, we will get it marked first,

1 Donnesia Brown

2 that statement, the supporting
3 deposition.

4 (Whereupon, a two-page document
5 was received and marked as Defendant's
6 Exhibit A for identification, as of this
7 date.)

8 Q. Mr. Brown, if you can look at
9 Defendant's Exhibit A right in front of you.
10 It is a two-page document. Do you recognize
11 this document?

12 A. Yes.

13 Q. Do you see at the bottom of both
14 pages, it looks like there is a signature
15 your signature. Is that your signature?

16 A. Yes.

17 Q. Do you recall reading this
18 statement before you signed it?

19 A. Yes.

20 Q. Were you satisfied that this
21 statement was complete and accurate?

22 A. Yes. Yes, ma'am.

23 Q. Did you sign any other statements
24 for OSI other than this one?

25 A. Not that I recall.

1 Donnesia Brown

2 Q. Did you speak with any other
3 agency other than OSI?

4 A. No.

5 Q. Did you speak with the media at
6 any point about this incident?

7 A. Who did I speak with?

8 Q. Media.

9 A. Median or media?

10 Q. The media, newspapers.

11 A. No, ma'am.

12 Q. News reporters?

13 A. No, ma'am.

14 Q. You obviously were criminally
15 charged as a result of this incident with
16 Officer Cornell, correct?

17 A. Yes, ma'am.

18 Q. Were you represented by counsel?

19 A. Yes. They gave me a Legal Aid.

20 Q. So he was appointed to represent
21 you?

22 A. Yes.

23 Q. Who was your attorney?

24 A. What is his name? I had his
25 card. Thomas -- what is his name?

1 Donnesia Brown

2 Q. If you don't remember, that is
3 okay.

4 A. Yeah, I don't remember his name.

5 Q. At any point, were you present
6 for any meetings with your attorney and the
7 district attorney's office?

8 A. Was I present for any meetings?

9 Q. Yes.

10 A. No. They had me in a meeting.
11 That is what you are saying?

12 Q. Were you in any meetings with the
13 district attorney's office and your attorney?

14 A. No.

15 Q. Did you eventually plead guilty
16 to these weapons charges?

17 A. Yes.

18 Q. Why did you plead guilty?

19 A. I didn't have a choice in the
20 matter.

21 Q. What do you mean by that?

22 A. Miss, because they was -- if I
23 didn't plead guilty, right, they said this is
24 what he offered, two to four, for a cop out.
25 Then he said three and a half to

1 Donnesia Brown

2 seven if I take it to trial, and blow, I get
3 three and a half to seven. This is the
4 lawyer talking.

5 And he said, it is the judge's
6 discretion, that if he feels that I am a
7 violent felon, he can put life on the back.

8 So I looked at the two to four,,
9 and I looked at life on the back, and I took
10 the two to four.

11 Because I don't have no paid
12 lawyer. I didn't have nobody that was going
13 to help me get out or nothing.

14 I wrote the IG. I didn't know
15 what was going on with that process at the
16 time. I took what I felt was like I could
17 still get out of prison.

18 I wasn't spending life for
19 something that I didn't do.

20 Q. At any point, did you tell the
21 judge that Officer Cornell planted the weapon
22 on you?

23 A. They wasn't letting me talk to
24 the judge like that, no.

25 I wish I could.

1 Donnesia Brown

2 Q. So you didn't tell the court or
3 judge?

4 A. They wouldn't let me talk.

5 Q. Did you tell your attorney that
6 Officer Cornell planted a weapon on you?

7 A. Yeah, I told him. He said they
8 do that all the time. That is what he said.

9 Q. When were you supposed to be
10 released from prison before this incident
11 with Cornell happened?

12 A. August -- what is it August 26,
13 2016.

14 Q. How long were you in prison as a
15 result of this incident, as a result of this
16 criminal weapons charge?

17 A. Of this charge right here?

18 Q. Yes.

19 A. Six months.

20 Because I went to the county, and
21 I am going back and forth to court. And I
22 was already in the box for six months.

23 Q. Okay. So did you spend the
24 remainder of your prison sentence in a
25 Special Housing Unit situation, or were you

1 Donnesia Brown

2 in general population?

3 A. I am in general population.

4 But my sentence for my time
5 before this was up. I am done with that, and
6 then now I am sitting doing this.

7 Q. Now your conviction was
8 eventually vacated, right? It was
9 overturned?

10 A. Overturned? What that mean?

11 Q. For the weapons charge, it was
12 kind of wiped clean, right?

13 A. They called me back to court, and
14 he told me that they taking back the
15 indictment and taking back their plea.

16 Q. Okay. Right.

17 And you were released from prison
18 at that point, right?

19 A. Yeah, I left Comstock.

20 Comstock told me I had a case on
21 the western part of state. They took me out
22 of and put me in Five Points. They released
23 me from there.

24 Q. After you were released from
25 prison, were you on parole?

1 Donnesia Brown

2 A. Yes.

3 Q. Did you violate that parole at
4 any point?

5 A. No.

6 Q. You didn't go back to prison,
7 whether it was state prison --

8 A. I probably did have a violation,
9 I think. I think I had a violation, yeah.

10 Q. What was the violation for?

11 A. Oh, I was in the shelter. I am
12 in the shelter, and they packed up my
13 clothes. They said -- I got a paper -- I got
14 a paper that says the rules, 10:00, you gotta
15 sign for the bed.

16 I came in at 8:00. They packed
17 up my stuff, and they said that -- they
18 packed up my stuff.

19 When I came in, they said, you
20 are leaving. You are going to the Holiday
21 Inn in Far Rockaway, Queens. Go in the back,
22 pack your stuff, and bring your lock.

23 I went to the back. Somebody
24 else was in the bed. I came back to the
25 front.

1 Donnesia Brown

2 I said, Miss, you said to pack my
3 stuff up. Somebody else there.

4 That is what we do. We pack your
5 stuff up when it is time to leave, when we
6 transfer you.

7 I said, so why you send me to the
8 back, if this is what you do? Am I the
9 first -- I am asking, am I the first person
10 that you are doing this to? You send me to
11 the back. Mind you, there is cameras.

12 She says, oh, I am going to go
13 get your stuff. She called somebody. The
14 person is right across. There is another
15 room right across. He has a clear plastic
16 garbage bag, I got two knapsacks. He takes
17 the bag with my two knapsacks and tosses it
18 on the floor. It is on camera. It is
19 incriminating, on their part.

20 They didn't want to go to trial.
21 So in the meantime, because I am on parole,
22 they arrested me for resisting arrest from
23 the shelter.

24 Q. Who is arresting --

25 A. The shelter, for real.

1 Donnesia Brown

2 Mind you, before that, I had got
3 a violation for helping a 84-year old lady.
4 She is 85, Thelma. I don't want to say I
5 don't want to help a woman in distress,
6 because I help any woman. I am not racist or
7 prejudice or nothing.

8 But at the same time, I went to
9 jail for helping this 85-year-old lady.

10 What am I to do? Right now, if I
11 see something happen, I turn and walk away.
12 I don't know. But it leaves me edgy.

13 Q. What do mean, you violated as a
14 result of helping that 85-year old woman?

15 A. They didn't say nothing. Because
16 the judge was letting me go.

17 But parole, I don't know. Parole
18 is just --

19 Q. How much longer are you on parole
20 for?

21 A. Two years.

22 Q. All right. I am going to talk a
23 little bit about damages that you are
24 claiming as a result of this incident with
25 Officer Cornell.

1 Donnesia Brown

2 Are you claiming any
3 psychological damages as a result?

4 A. Yes. Yes. If I can, yes. Yes,
5 it is crazy.

6 I would be sitting, spending the
7 rest of my life in prison for something I
8 didn't do.

9 I am not saying -- ask me. Ask
10 me.

11 Q. Let me ask you this question.

12 Before this incident,
13 January 2016, did you ever seek out mental
14 health services, whether in prison or outside
15 services?

16 A. Did I ever seek it out?

17 Q. Yes.

18 A. I have been to mental health from
19 school, when I was younger.

20 Q. Okay.

21 A. Hyperactive, you know.

22 Q. Were you diagnosed with any
23 mental health or psychological conditions as
24 a kid?

25 A. Being hyperactive. Running

1 Donnesia Brown

2 around like, you know, like that. That is
3 it.

4 Q. What about as an adult?

5 Diagnosed with any psychological conditions,
6 depression, anxiety, any other mental health
7 conditions?

8 A. So they say.

9 I don't know what it is, though.
10 But the doctors, I don't know how they
11 determine the term; but I spoken to them
12 quite a few times.

13 Q. When did you speak with doctors?

14 A. I mean, whenever, you know, it
15 was time. Whenever I had -- I spoke to them,
16 whether it is prison or street.

17 When my mother took me, when I
18 was younger, I spoke to therapists.

19 But that didn't have anything to
20 do with how this left me. Because I wasn't
21 getting into no trouble that serious, to
22 be -- to spend the rest of my life in jail.

23 Q. So I guess my question is:

24 Before this incident, you did speak to mental
25 health counselors or therapists?

1 Donnesia Brown

2 A. Yes.

3 Q. What did you speak to them about?

4 A. They just want to know about me.

5 If I am all right.

6 I don't know. They just asked
7 questions. Whatever. Nothing specific.
8 Just anything.

9 Q. Did you initiate those
10 experiences, or did they initiate it?

11 A. They called me. They called me.

12 Q. Was this in prison or --

13 A. In prison.

14 In the street, when I was going.

15 Because I don't see no mental
16 health. I am saying when I was, they would
17 call me, and I would go to them.

18 Q. Whether you are out in the
19 street, mental health counselor would call
20 you to check in on you?

21 A. No, not call to check in on me.

22 Call me to talk.

23 Well, I call it checking in; same
24 thing.

25 Q. Who were they affiliated with?

1 Donnesia Brown

2 Were they with a hospital or private
3 practice?

4 A. Private practice. Like because I
5 was in school, I wasn't dealing.

6 Q. What practice were they with, do
7 you know?

8 A. No.

9 Q. What about in prison? Did anyone
10 ever diagnose you with any mental health
11 conditions before this incident?

12 A. I don't know. I don't know what
13 they write. I don't know. I can't say.

14 Q. What about after --

15 A. I don't know what the doctors
16 write in their papers.

17 They probably did. I don't know.

18 Q. Did they ever prescribe you any
19 medication before this incident?

20 A. No. I ain't taking anything.

21 Q. What about after this incident?
22 Did anyone prescribe you any medications
23 after?

24 A. No.

25 Q. Anyone diagnose you with any

1 Donnesia Brown

2 mental health conditions after this incident?

3 A. I don't know.

4 You are asking me if they
5 diagnosed me with something.

6 I don't know. I don't know.

7 I have spoken to them, because
8 after the incident, they talked to me; but I
9 don't know if they wrote something down or
10 what. I don't know.

11 Q. After this incident, did you
12 spend some time in the RCTP?

13 A. What is that?

14 Q. Residential Crisis Treatment
15 Program.

16 A. I don't even know what that is.

17 Q. Have you ever spent any time in
18 any RCPT in any facility you have been in?

19 A. What is RCPT?

20 Q. It is a Residential Crisis
21 Treatment Program.

22 A. I don't even know what you are
23 talking about. I am sorry.

24 Q. You don't know?

25 A. No, I don't know. I don't know.

1 Donnesia Brown

2 Q. Ever have any attempted suicide
3 attempts?

4 A. Yeah, in the past. Stress.

5 Q. What facility were you at for
6 those?

7 A. I was in the street.

8 Q. When was that?

9 A. Before this. Before all of this.

10 Q. So you have attempted suicide in
11 the past?

12 A. Before all of this. Yeah, I was
13 young.

14 Q. Have you ever attempted suicide
15 while you were incarcerated?

16 A. Yes.

17 Q. What facility?

18 A. I don't even know what facility.
19 I have been in so many, I don't even
20 remember. Dang, I don't know what facility.

21 Q. Were those attempts before this
22 incident?

23 A. Yes.

24 Q. Yes, okay.

25 Are you claiming any physical

1 Donnesia Brown

2 injuries as a result of this incident?

3 A. No.

4 Q. Are you claiming any lost wages
5 as a result?

6 A. I should be.

7 I could have been working.

8 Q. What is that?

9 A. I said, I should be, yes.

10 Q. Are you going to be claiming lost
11 wages as a result of this incident?

12 A. Yes. I could have been working,
13 right?

14 Q. Have you be seeking work
15 recently?

16 A. Yes. Every day, I am trying. I
17 do construction. I like that. I love that
18 job.

19 Q. You have had work since this
20 incident, correct?

21 A. Yes.

22 Q. So you haven't had any issues
23 finding work since the incident, right?

24 A. If it's available for me to get
25 work, then, yeah.

1 Donnesia Brown

2 If it is not, then I just gotta
3 wait. I just have to be patient, and then I
4 will find some work. I will get it. There
5 is also something being available.

6 Q. Have any potential employers ever
7 told you why they haven't hired you for any
8 jobs since this incident?

9 A. No, ma'am.

10 Q. Do you have any reason to believe
11 it is because of this incident?

12 A. I don't know. I don't know.
13 I don't want to just be guessing
14 and jumping the gun, saying it is because
15 this or that, or it could be this or could be
16 that. I don't know what it is.

17 Q. When is the last time you filed
18 taxes?

19 A. I don't think I filed taxes last
20 year.

21 Q. Last year?

22 A. Yeah, didn't I? I don't know. I
23 don't know.

24 Q. Okay. What was your income last
25 year?

1 Donnesia Brown

2 A. I don't know, because I didn't
3 work a whole year, so I don't know.

4 Q. At the time of the incident, were
5 you enrolled in any educational programs?

6 A. At the time of the incident?

7 Q. Right.

8 A. No.

9 Q. You mentioned something about how
10 you were going to get married around the time
11 of this incident?

12 A. Yes. I had met this lady that
13 lived in Syracuse.

14 Q. Did you eventually get married to
15 her?

16 A. No.

17 Q. Why not?

18 A. Because she didn't want to do no
19 more time. She left.

20 Q. Because she had to do more time?

21 A. When I took the two to four, she
22 said, I don't want to do no more time. I am
23 not doing that.

24 I was about to get out. She was
25 planning for me to get out.

1 Donnesia Brown

2 Then when this incident happened,
3 she said, I am not doing no more time. I
4 can't do it. She left.

5 So I didn't press. I am in jail.

6 Q. Since you have been released,
7 have you reconciled with her?

8 A. She is married.

9 Q. Okay. She is married to someone
10 else now?

11 A. Yes, ma'am.

12 Q. Are you claiming any other
13 damages, other than what we just talked
14 about?

15 A. Can I say something to my
16 attorney?

17 MR. RUSSELL: You gotta give her
18 an answer, and then we can talk.

19 A. Yes.

20 Q. What other damages?

21 A. I knew you was going to say that.
22 And I ain't got no answer for
23 this woman. Stress.

24 You know, Miss, I know you don't
25 really know. I don't know how much, you

1 Donnesia Brown

2 know.

3 But being in prison, and going
4 through what I just went through, it is
5 really like mind boggling. It is hurtful,
6 because you just taking somebody that ain't
7 doing nothing, and you just -- that is like
8 doing what I want to do to a person.

9 I mean, like I don't know how
10 often this happens, or how often this goes
11 on; but it happened to me.

12 And I am like, dang, I am praying
13 every day that I don't get into no situations
14 where I am going through this when I am home.
15 It is like the officer, I walk past an
16 officer in the street. I don't want to ask
17 him nothing. I don't want to say nothing to
18 him. When usually, if I see an officer,
19 probably like excuse, you got the time, or
20 where is such and such.

21 Now, I am not saying nothing,
22 because he can set me. He can do worse,
23 probably, than the corrections officer.

24 And it goes on. It happens. We
25 know it happens. We know these things goes

1 Donnesia Brown

2 on in the world.

3 But now, look, I am sitting here
4 like I am enemy. That is how I feel.

5 But that is my opinion. I
6 probably guess I have a right to that. I
7 could be thinking wrong, I don't know.

8 But people looking at me -- I
9 didn't do nothing to that man. I didn't do
10 nothing to nobody. I didn't do nothing.

11 MS. COWAN: That is all I have.

12 Thank you very much.

13 MR. RUSSELL: Thank you.

14 THE WITNESS: God bless you.

15 (Time noted: 2:09 p.m.)

16

17 -----
DONNESIA BROWN

18

Subscribed and sworn to before me this

19

----- day of -----, 2019.

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-----, Notary

21 Public.

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CERTIFICATE

I, MARIA ACOCELLA, a Notary Public within
and for the State of New York, do hereby
certify:

That the witness whose deposition is
hereinbefore set forth, was duly sworn by me
and that the within transcript is a true
record of the testimony given by such
witness.

I further certify that I am not related to
any of the parties to this action by blood
or marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 22nd day of August, 2019.



MARIA ACOCELLA

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DONNESIA BROWN

Subscribed and sworn to before me
this _____ day of _____, 2019
_____, Notary Public.

[& - aware]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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